

IT IS SO ORDERED.

Dated: 10:57 AM December 08 2010



Marilyn Shea-Stonum
MARILYN SHEA-STONUM *PH*
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION - AKRON**

In re:)	Case No. 10-52334
)	
ANDRE L. ROBINS and)	Chapter 7
LADONNA R. ROBINS)	
)	
Debtors.)	Chief Judge Marilyn Shea-Stonum

**AGREED ORDER APPROVING STIPULATION THAT DEBT DUE AND OWING TO
THE STATE OF OHIO, DEPARTMENT OF JOB AND FAMILY SERVICES IS
NONDISCHARGEABLE AND OTHER RELIEF**

This cause came before the Court upon the motion filed by the State of Ohio, Department of Job and Family Services (“ODJFS”) to approve a stipulation between ODJFS and the Debtor, LaDonna R. Robins aka LaDonna R. Prude-Robins (the “Debtor”)¹ relating to the dischargeability of a certain debt due and owing by the Debtor to ODJFS (the Stipulation). By agreement and consent of ODJFS and the Debtor, the Court hereby finds as follows:

¹ LaDonna R. Robins aka LaDonna R. Prude-Robins filed a joint chapter 7 bankruptcy case, case no. 10-52334. The debt to ODJFS is only the responsibility of LaDonna R. Robins aka LaDonna R. Prude-Robins.

1. As of the date of the filing of the bankruptcy petition the Debtor owes ODJFS the principal sum of \$2,640.00 for fraudulently obtained unemployment compensation benefits plus interest as set forth in O.R.C. 4141.35 and 4141.23.(B)(2) and statutory collection fees as set forth in O.R.C. 131.02.
2. The parties, ODJFS and the Debtor, wishing to amicably resolve the matter, have entered into a stipulation that is appended hereto as Exhibit A which, *inter alia*, finds that the amounts owed by the Debtor to ODJFS as a result of the Debtor having obtained unemployment compensation payments by fraud, together with related fees and charges as are more fully described in the Exhibit A Stipulation are held to be non-dischargeable and excepted from discharge pursuant to 11 USC §523(a)(2).
3. ODJFS shall recover a judgment against the Debtor for all principal (\$2,640.00), interest and statutory collections fees.
3. Both parties, having been represented by counsel, and upon review of the stipulation by this Court, it is found that the stipulation is just and proper.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that, pursuant to the agreement of the parties, the Motion is hereby granted and the Exhibit A Stipulation appended hereto submitted to the Court on November 10, 2010 is hereby approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

1. Judgment is granted in favor of ODJFS against LaDonna R. Robins aka LaDonna Prude-Robins in the amount of \$2,640.00 plus interest from and after June 1, 2008 at the statutory rate of fourteen percent (14%) per annum compounded monthly and collection fees in the amount of eleven percent (11%) of all sums received by or on behalf of ODJFS; and

2. The Debtor, LaDonna R. Robins aka LaDonna Prude-Robins, may satisfy the Judgment by making the payments as set forth in the Stipulation appended hereto as Exhibit A, the terms of which are incorporated herein by reference and adopted as findings of fact and conclusions of law by this Court.

IT IS SO ORDERED

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SUBMITTED AND APPROVED BY,

/s/ Donn D. Rosenblum
Donn D. Rosenblum (OH 0016552)
Principal Assistant Attorney General
150 East Gay Street, 21st Floor
Columbus, OH 43215
Tel: 614-728-5754
Fax: 877-591-5768
donn.rosenblum@ohioattorneygeneral.gov
Attorney for State of Ohio, Department of
Job and Family Services

AGREED

/s/ C. Y. Eric Holtz
Y. Eric Holtz (OH 0084326)
333 S. Main Street, # 601
Akron, OH 44308
Tel: (330) 253-6264
Fax: (330) 253-6265
Email: Grahamlawoffice2@sbcglobal.net
Attorney for LaDonna R. Robins

AGREED

/s/ LaDonna R. Robins, Debtor
LaDonna R. Robins
1943 Northgate Circle
Akron, OH 44320

SERVICE LIST

A copy of this Order and the Exhibit A Stipulation shall be served upon the following persons by the means set forth in the manner set forth beneath their names and addresses:

Robert S. Thomas, II
Chapter 7 Trustee
1 S. Main Street, 2nd Floor
Akron, OH 44308
(Electronic – ECF)

Donn D. Rosenblum
Principal Assistant Attorney General
150 East Gay Street, 21st Floor
Columbus, OH 43215
donn.rosenblum@ohioattorneygeneral.gov
(Electronic – ECF)

Y. Eric Holtz (OH 0084326)
333 S. Main Street, # 601
Akron, OH 44308
Tel: (330) 253-6264
Fax: (330) 253-6265
Email: Grahamlawoffice2@sbcglobal.net
Attorney for Debtor, LaDonna R. Robins
(Electronic – ECF)

LaDonna R. Robins
1943 Northgate Circle
Akron, OH 44320-4229
Debtor
(Regular Mail)

Andre L. Robins
1943 Northgate Circle
Akron, OH 44320-4229
Debtor
(Regular Mail)

Exhibit A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION - AKRON**

In re:) Case No. 10-52334
)
ANDRE L. ROBINS and) Chapter 7
LADONNA R. ROBINS)
)
Debtors.) Chief Judge Marilyn Shea-Stonum

**STIPULATION THAT DEBT DUE AND OWING TO THE STATE OF OHIO,
DEPARTMENT OF JOB AND FAMILY SERVICES IS NONDISCHARGEABLE**

By agreement between the State of Ohio, Department of Job and Family Services (“ODJFS”) and the Debtor, LaDonna R. Robbins aka LaDonna R. Prude-Robins (“Debtor”), ODJFS and Debtor hereby stipulate to the following:

1. This is a core proceeding over which this Court has jurisdiction pursuant to 28 U.S.C. §§157(b)(2) and 1334.
2. On or about May 17, 2010, the Debtor filed a Petition jointly with her husband, Andre L. Robins, under Chapter 7 of the United States Bankruptcy Code for the liquidation of their assets and the discharge of their debts.
3. Beginning on or about December 30, 2007 through on or about March 15, 2008 (“the UC Period”) Debtor applied for and received unemployment compensation benefits from or through ODJFS pursuant to O.R.C. §4141.01, et seq.
4. During the UC Period, Debtor was employed at Akron General Medical Center, Inc.
5. During the UC Period, Debtor filed applications with ODJFS for unemployment compensation, was required to disclose any and all employment during such period, did not disclose to ODJFS that she was employed at Akron General Medical Center, Inc. and received unemployment compensation benefits in the amount of Two Thousand, Six

Hundred Forty and 00/100 Dollars from ODJFS relative to the UC Period to which she was not entitled (the “UC Benefits”). Debtor has not repaid any of said amounts to ODJFS and presently owes said principal amount plus additional charges.

6. The unemployment compensation the Debtor received to which she was not entitled under Ohio and Federal law are not dischargeable pursuant to 11 U.S.C. §523(a)(2)(A) (false pretenses, false representation, or actual fraud) and §523(a)(7) (fine payable to and for the benefit of a governmental unit).
7. There is due ODJFS from the Debtor for overpayment of unemployment compensation benefits which the Debtor obtained through fraud the principal sum of Two Thousand Six Hundred Forty and 00/100 Dollars (\$2,640.00) as of the date of the filing of the bankruptcy petition.
8. Interest pursuant to O.R.C. § 4121.35 and 4141.23 (B)(2) and collection fees pursuant to O.R.C. § 131.02 continue to accrue on the unpaid UC Benefits until paid.
9. The parties stipulate and agree that the Court shall enter an order awarding a judgment in favor of ODJFS against LaDonna R. Robins aka LaDonna R. Prude-Robins in the principal amount of Two Thousand Six Hundred Forty and 00/100 Dollars (\$2,640.00) plus interest at the statutory rate of fourteen percent (14%) per year compounded monthly pursuant to O.R.C. §§ 4141.35 and 4141.23 (B)(2) and statutory collection fees of eleven percent (11.0%) per annum pursuant to O.R.C. § 131.02, and declaring that the UC Benefits, interest and collection fees are not dischargeable and are excepted from discharge.
10. The Debtor may satisfy her obligation to repay ODJFS the UC Benefits plus the interest and collection fees described above by paying to ODJFS the total sum of \$3,000.00 in fifteen consecutive monthly payments of at least \$200.00 due and payable on the fifteenth

day of each month beginning December 15, 2010 and continuing thereafter for fourteen additional consecutive months; The entire amount outstanding at any time may be paid without penalty prior to the date upon which such payment(s) are due; Payments due on a Saturday, Sunday or legal holiday shall be due the immediately following day on which banks and government offices are open to conduct regular business; If the Debtor fails to make any of the fifteen payments provided for hereunder, if any payment is not honored by the Debtor's financial institution or if for any other reason ODJFS does not receive a payment in a timely manner, the full amount of principal then due and owing together with all interest and collections fees that would have been owed but for this Stipulation and Agreement, less all sums received from Debtor prior to the default, shall become due and payable immediately without further notice to Debtor or her attorney and interest and collection fees shall continue to accrue and be charged until the debt is paid in full.

11. If the debtor successfully pays each and every monthly payment as set forth in paragraph 10 above in a timely manner (total of \$3,000.00), the debt to ODJFS described above shall be deemed to have been repaid as that term is used in O.R.C. § 4141.35(A)(3). All of the provisions set forth O.R.C. § 4141.35 shall continue to apply.
12. The debt to ODJFS described above and resolved hereby relates only to Debtor, LaDonna R. Robins, aka LaDonna R. Prude-Robins.

Agreed and Submitted by:
RICHARD CORDRAY
Attorney General of Ohio

/s/Donn D. Rosenblum
DONN D. ROSENBLUM (OH# 0016552)
Assistant Attorney General
Collections Enforcement Section
150 East Gay Street, 21st Floor
Columbus, OH 43215
Donn.Rosenblum@ohioattorneygeneral.gov
Attorney for State of Ohio, Department of
Job and Family Services

Agreed and Approved by:

/s/Y. Eric Hotlz
Y. ERIC HOLTZ (OH# 0084326)
333 S. Main Street, #601
Akron, OH 44308
Grahamlawoffice2@
Attorney for Debtor

/s/ LaDonna R. Robins aka LaDonna R.
Prude-Robins
LaDonna R. Robins aka LaDonna R.
Prude-Robins
1943 Northgate Circle
Akron, OH 44320-4229

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Stipulation was served on the persons listed below by the means stated immediately beneath their respective addresses this 7th day of December, 2010.

Robert S. Thomas, II
Chapter 7 Trustee
One South Main Street – 2nd Floor
Akron, OH 44308
(Electronic Service – ECF)

/s/Donn D. Rosenblum
Donn D. Rosenblum